IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 16278 of 2007(K)

PETITIONER:

THOMAS THOMAS,
NADUPARAMBIL, NEW MARKET,
MUNDAKAYAM P.O., KOTTAYAM DISTRICT.

ADDL. PETITIONER:

2. RACHEL THOMAS, W/O.THOMAS THOMAS,
NADUPARAMBIL, NEW MARKET,
MUNDAKAYAM P.O., KOTTAYAM DIST.

(ADDL. PETITIONER IS IMPLEADED AS PER ORDER
DT.7.6.2007 IN I.A. NO.7126/2007.)

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENTS:

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1. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD,
MUNDAKAYAM, KOTTAYAM DIST.

2. THE DEPUTY TAHSILDAR (RR),
KANJIRAPPALLY, KOTTAYAM DIST.

R1 BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: PHOTOCOPY OF THE DEMAND NOTICE ISSUED BY R2.

P2: PHOTOCOPY OF NOTICE BEFORE ATTACHMENT ISSUED BY R2.

P3: PHOTOCOPY OF REQUEST DT.20.5.07 PREFERRED BY PETITIONER.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.16278 of 2007

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Dated this the 1st day of August, 2007.

JUDGMENT

Petitioners are husband and wife. Prayer in the W.P. is for direction to respondents to adjust refunds due from KSEB to second petitioner against liability of first petitioner. First petitioner is admittedly in arrears of electricity charges due in respect of a dismantled connection. Standing Counsel for KSEB submitted that second petitioner has not made any claim for refund even though an amount of Rs.15,120/- stands to the credit of the 2nd petitioner. First petitioner obviously cannot ask for adjustment of refund due to second petitioner towards liability due from him. It is for the second petitioner to make a proper application authorising KSEB to adjust refunds due to her against the liability of first petitioner. If any such application is made, the KSEB will verify the genuineness and adjust the same against amounts due from first petitioner. Since W.P. is filed with second petitioner also as a party, W.P. is disposed of with direction to first respondent to adjust refunds due to second petitioner towards liability due from first petitioner and give a reconciliation statement to the petitioners within two weeks from the date of production of copy of this judgment. The

first petitioner is granted five equal monthly instalments to clear the balance arrears with interest, first of which will be paid on or before 25.9.2007 and the balance on or before the 25th day of four succeeding months. Recovery proceedings will be kept in abeyance for payment as above and if default is committed in payment of any instalment, the instalment facility will stand cancelled and the amount will be recovered from first petitioner.

C.N.RAMACHANDRAN NAIR
Judge

pms